

Yeas—23.

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Bowser.	McComb.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dean.	Steele.
Dibrell.	Tips.
Dickson.	Whitaker.
Gage.	Woods.
Greer.	

Absent, excused.

Atlee.	Shelburne.
Boren.	Stafford.
Rogers.	

Absent, not excused.

Goss.	Presler.
McKinney.	

By Senator Smith:

Amend by striking out section 3.

Adopted by the following vote:

Yeas—24.

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Bowser.	McComb.
Colquitt.	Presler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Greer.	Woods.

Nays—none.

Absent, excused.

Atlee.	Shelburne.
Boren.	Stafford.
Rogers.	

Absent, not excused.

Goss.	McKinney.
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Bill was then passed.

The Chair announced that the hour had arrived for the Senate to go into executive session on the Governor's appointments, and the Senate accordingly went into executive session.

IN EXECUTIVE SESSION

The following confirmations were had:

Managers of the Southwestern Lunatic Asylum at San Antonio: Dr. Amos Graves, A. E. Devine, T. D. Cobbs, L. P. Peck, B. F. McNulty, all of Bexar county.

On Board of Pardons: W. C. Denson, W. B. Dunham, both of Travis county.

AFTER EXECUTIVE SESSION.

On motion of Senator Whitaker, Senate adjourned till tomorrow morning at 10 o'clock.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas, January 31, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Agnew.	Harrison.
Beall.	Lawhon.
Bowser.	McKinney.
Colquitt.	Presler.
Darwin.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Steele.
Goss.	Whitaker.
Greer.	Woods.

Absent, excused.

Atlee.	Shelburne.
Rogers.	Stafford.

Absent, not excused.

Bailey.	Lewis.
Boren.	McComb.
Crowley.	Tips.
Dean.	

Senator Whitaker moved a call of the Senate, which was duly seconded and prevailed.

The Secretary called the roll, the following Senators answering to their names:

Agnew.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Steele.
Dibrell.	Smith.
Dickson.	Tips.
Gage.	Woods.
Goss.	Whitaker.
Greer.	

Absent, excused.

Atlee.	Shelburne.
Rogers.	Stafford.

The Chair announced a quorum present. Prayer by the Chaplain, Dr. Smoot. Pending the reading of the Journal of yesterday,

Senator Woods moved to suspend the reading of same.

Lost.

The Secretary proceeded to read the Journal.

On motion of Senator Steele, the reading was suspended.

On motion of Senator Lawhon, Senator McComb was added to the Committee on Counties and County Boundaries.

On motion of Senator Colquitt, Assistant Sergeant-at-Arms, Pace, was excused for non-attendance on today.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 30, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 49, being a bill to be entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 30, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 66, being a bill to be entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-third Legislature, chapter 83, page 109,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

SMITH, Chairman.

COMMITTEE AMENDMENTS.

First. Amend subdivision No. 25 by adding in line two after the word "wholesale" the words "or retail."

Second. Amend by adding to caption the words following: "Relating to the purposes for which private corporations may be formed."

Third. Amend by adding: "Section 48. The establishment and maintenance of yards for weighing, storing and selling cotton and other farm products."

Committee Room,

Austin, Texas, Jan. 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 50, being a bill to be entitled "An act to amend article 4333 of the Revised Civil Statutes of Texas, amended March 30, 1881, amended April 1, 1887, and to validate the registration of deeds, conveyances, mortgages, deeds of trust or the written instruments relating to real estate situated in any organized county and recorded prior to March 30, 1881, and recorded in the county to which said unorganized county was attached for judicial purposes at the time of such registration,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

MINORITY COMMITTEE REPORT.

Committee Room,

Austin, Texas, Jan. 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 2, entitled "An act providing for the discovery of the assets of a judgment debtor, and the enforcement of such judgment,"

Dissenting from the report of a majority of said committee recommending the passage of said bill, beg to respectfully submit to the Senate their recommendation that said bill do not pass, for the following among other manifold reasons:

1. The legislation proposed in the bill is wholly unnecessary. Under our liberal system of blended law and equity jurisprudence, the remedial process of the courts are already ample and effective.

2. It provides for a proceeding inquisitorial in character and not in consonance with the spirit of our laws. And is radical legislation in favor of the creditor and against the debtor classes. While the extraordinary and extreme remedial process contemplated in the measure might, in exceptional cases of fraudulent concealment, be the means of securing equitable discovery and relief, yet this is not sufficient consideration for the evil of harrassing and inquisitorial litigation which it would invite and stimulate.

3. To the extent to which it proposes the subjection of the homestead, or any part thereof, to judicial sale or to partition, the bill is unconstitutional as well as unwise and dangerous.

We believe the bill is fraught with elements of grave danger to property and homestead rights, and that its passage would be a grave innovation upon the law.

Respectfully submitted,

M'COMB,
BAILEY,
GOSS,
LAWHON,
SIMPSON.

Committee Room,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Labor, to whom was referred

Senate bill No. 84, a bill to be entitled "An act to prevent one landlord from hiring the tenant of another landlord during the time for which the contract of hire or renting of land on shares has been entered into, and to fix the penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend section 2 by striking out all the section after the word "writing," in line 11.

DICKSON, Chairman.

Committee Room,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Labor, to whom was referred

Senate bill No. 113, being a bill to be entitled "An act to amend an act entitled 'An act to make it penal to pre-

vent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor," approved March 8, 1887."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DICKSON, Chairman.

Committee Room,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 70, being a bill to be entitled "An act to amend section 4241 of chapter 10 of title 84 of the Revised Civil Statutes of Texas, relating to the construction of cattle guards by railroad companies,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

M'KINNEY, Chairman.

Committee Room,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 10, being a bill to be entitled "An act for the relief of railway companies having charters granted or amended since January 1, 1889, which have failed or are about to fail to comply with article 4278, Revised Statutes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

M'KINNEY, Chairman.

Committee Room,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 122, being a bill to be entitled "An act to provide for rescinding contracts between the State and private individuals of sales of lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to the Committee on Public Lands.

PRESLER, Chairman.

HOUSE MESSAGE.

House of Representatives,

Austin, Texas, January 30, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to-wit:

Senate bill No. 73, "An act to authorize the State Health Officer, with the

advice and consent of the Governor, to sell any condemned property in the State quarantine service, and to pay over the proceeds into the general revenue of the State." Passed by two-thirds vote—ayes 115, nays none.

House bill No. 323, a bill to be entitled "An act to amend section 1 of an act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations; to prescribe the time and manner of collecting such taxes, to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict therewith, approved May 11, 1893."

CHESTER HAILE, Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Goss:

A bill to be entitled "An act to validate the records and surveys heretofore made and the official acts done by county surveyors in counties that had organized, but whose boundaries had not been established as required by chapter 4, title 22, of the Revised Civil Statutes of the State of Texas, and to repeal article 691e of said chapter and title."

Read first time and referred to Committee on Public Lands.

By Senator Tips:

A bill to be entitled "An act to amend section 12 of chapter 122 of the general laws of the State of Texas, being 'An act to provide for a more efficient system of public free schools for the State of Texas,' etc., approved May 20, 1893."

Read first time and referred to Committee on Education.

By Senator Beall:

A bill to be entitled "An act regulating the licensing of attorneys and counselors at law, and the practice of the law within this State."

Bill read first time and referred to Judiciary Committee No. 1.

By Senator Greer:

Joint resolution, to provide for a committee to investigate the various State institutions, and to provide pay therefor."

Read first time and referred to Committee on Education.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate,

Senate bill No. 30, being a bill to be entitled "An act to establish a court at Texarkana, in Bowie county, to be styled Texarkana Civil and Criminal Court, and to prescribe the jurisdiction and organization thereof, and to conform the jurisdiction of other courts thereto,"

Action being on engrossment.

By Senator Whitaker:

Amend by adding in section 7, line 9, after the word "regulating," the word "the."

Also strike out in section 15, line 9, the word "examinations" and insert in lieu thereof the word "exemption."

Also in section 15, line 10, after the word "far," add the word "as."

Also in section 21, line 5, make the word "appeal" read "appeals."

Also in section 23, line 2, strike out the word "the" before "Bowie."

Also in section 24, line 7, make the word "vocation" read "vacation."

Adopted.

By Senator Agnew:

Amend by adding after the word "county," in section 16, line 4, the words "except in the trial of cases in said court in probate matters."

Adopted.

The bill was then passed to engrossment by the following vote:

Yeas—18.

Agnew.	Gage.
Bailey.	Goss.
Beall.	Greer.
Bowser.	Lewis.
Colquitt.	McComb.
Crowley.	Presler.
Dean.	Sherrill.
Dibrell.	Whitaker.
Dickson.	Woods.

Nays—9.

Boren.	Simpson.
Darwin.	Smith.
Harrison.	Steele.
Lawhon.	Tips.
McKinney.	

Absent, excused.

Atlee.	Shelburne.
Rogers.	Stafford.

The Chair announced the following committees as provided for in substitute House concurrent resolution No. 6:

For Penal Code and Code Criminal Procedure—Senators Agnew, Sherrill, Woods, Colquitt and Boren.

Civil Code—Senators McComb, Dibrell, Lewis, Presler, Gage, Bailey, Beall and Goss.

Senator Bowser moved that the Senate go into executive session on the Governor's appointments on tomorrow at 11 a. m.

Carried.

The Chair laid before the Senate, special order,

Senate bill No. 54, being a bill to be entitled "An act to amend articles 488 and 489 of the Code of Criminal Procedure, and to add to said Code articles 489a, 489b, 489c, 489d, 489e, 489f, 489g, providing for the attachment of witnesses in criminal cases, and for the payment of the witnesses in felony cases,"

Question being on engrossment.

On motion of Senator Agnew, Senate adjourned to 10 a. m. tomorrow.

TWENTY-SECOND DAY.

Senate Chamber

Austin, Texas, February 1, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lewis.
Beall.	McComb.
Boren.	McKinney.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.
Lawhon.	

Absent, excused.

Atlee.

Absent, not excused.

Bailey.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was suspended.

On motion of Senator Agnew, Secretary Pool was excused for non-attendance on tomorrow.

PETITIONS AND MEMORIALS.

By Senator Simpson:

Petition of wives and daughters and mothers of citizens of Texas, praying that laws be passed limiting holders of offices of trust to men of integrity and morals.

Read and referred to Committee on Privileges and Elections.

By Senator Dean:

Petition of citizens of Sutton county, in behalf of the teachers who have arrears of pay due them.

Read and referred to Committee on Education.

By Senator Lawhon:

Petition of citizens of Gregg county, protesting against having the county taken from the Seventh and placed in the Fourth Judicial District.

Read and referred to Committee on Judicial Districts.

By Senator Dean:

Memorial from Brewster county stock raisers.

Read and referred to Committee on Public Lands.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 31, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 125, being a bill to be entitled "An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, as amended by the Twenty-first Legislature, by an act entitled 'An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887,' approved January 30, 1889, to abolish imprisonment as a part of the punishment,"